

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNEST E. LIGGETT,)	Civil Action No. 214-1086
)	
Plaintiff,)	UNITED STATES MAGISTRATE
)	JUDGE MAUREEN P. KELLY
vs.)	
)	
THE BOROUGH OF BROWNSVILLE,)	
ET AL)	JURY TRIAL DEMANDED
)	
Defendants.)	

**MOTION TO DISMISS AMENDED COMPLAINT PURSUENT TO FED.R.CIV.P
12(b)(5)AND12(b)(6)**

Pursuant to Rules 12(b)(5) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants, Davis and Davis and Melinda K. Dellarose, respectfully request that the Court dismiss the Amended Complaint of Plaintiff, Ernest E. Liggett, on the basis that the Plaintiff's Amended Complaint fails to state claims upon which relief may be granted.

On September 30, 2014, Defendants, Borough of Brownsville; Brownsville Borough Code Enforcement Officer, Edward E. Nicholson; Brownsville Borough Mayor, Lester J. Ward; Borough of Brownsville Council Members, Jack J. Lawver, Thomas Bush, John T. Hosler, James S. Lawver, Charles B. Perkins, Ross T. Swords, Jr. and Tracy Zivkovich through their Attorneys, Thomas, Thomas and Hafer, LLP, submitted a Motion to Dismiss Amended Complaint and a Brief in Support of Motion to Dismiss Amended Complaint pursuant to Federal Rules Civil Procedure 12(b)(5) and 12(b)(6).

The moving Defendants here, for the reasons set forth in the Motion to Dismiss and Brief in Support of the Motion to Dismiss filed by the other Defendants, which is

incorporated here by reference, request this Court to dismiss the claims against the moving Defendants herein.

Respectfully submitted,

/s/ James T. Davis

James T. Davis

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*Attorneys for Defendants, Davis & Davis and
Melinda K. Dellarose*

September 30, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was duly served upon counsel of record, this the 30th day of September, 2014, and upon all parties registered with the Court's electronic filing system by operation of the Court's system. Parties may access this filing through the Court's electronic filing system.

/s/ James T. Davis
James T. Davis